

## **REMARKS/ARGUMENTS**

Claims 1-5, 7-11, 13-17 and 19 are pending in the present application. Claims 1, 7, 13 and 19 have been amended, and Claims 6, 12, 18 and 20 have been cancelled, herewith. Reconsideration of the claims is respectfully requested.

Applicants respectfully request that this amendment after final be entered as placing this case in condition for allowance or better form for appeal. No new matter is being added by such amendment, as the features of an existing claim (dependent Claim 6) are being rolled up into each of the independent claims.

### **I. 35 U.S.C. § 101**

Claims 13-18 stand rejected under 35 U.S.C. § 101 as being directed towards non-statutory subject matter. This rejection is respectfully traversed.

With respect to Claim 13 (and dependent Claims 14-18), such claim recites that the computer program product is stored in a computer readable storage medium for identifying device configurations, as specifically allowed for per the requirements of MPEP 706.03(a) and 2106. See, in particular, MPEP 2106(IV)(B)(1)(a) where it states:

“A claimed computer-readable medium encoded with a data structure defines structural and functional interrelationships between the data structure and the computer software and hardware components which permit the data structure's functionality to be realized, and is thus statutory. See *Lowry*, 32 F.3d at 1583-84, 32 USPQ2d at 1035.”

Accordingly, as Claim 13 expressly recites a computer program product stored in a computer readable storage medium for identifying device configurations, it is shown that Claim 13 (and similarly for Claims 14-18) is directed to statutory subject matter, pursuant to both judicial case law and the USPTO's own MPEP rules. Applicants have further amended the Specification to remove the language included therein that the Examiner deems to be problematic.

Therefore, the rejection of Claims 13-18 under 35 U.S.C. § 101 has been overcome.

### **II. 35 U.S.C. § 102, Anticipation**

Claims 1, 3-7, 9-13 and 15-19 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Kartoz, U.S. Patent No. 7,024,547. This rejection is respectfully traversed.

Applicants initially incorporate by reference the arguments previously presented in the Response to Office Action dated May 22, 2007.

For a prior art reference to anticipate in terms of 35 U.S.C. 102, every element of the claimed invention must be identically shown in a single reference. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990). Applicants will now show that every element recited in each of Claims 6, 12, 18 and 20 is not identically shown in a single reference.

With respect to Claim 6, such claim recites “wherein the table comprises (i) an index used to locate particular configuration data for a particular device, (ii) information used to address the particular device, and (iii) an offset to a memory location within the particular device at which particular unique identifier information for the particular device is stored”. In rejecting Claim 6, the Examiner merely asserts:

“Regarding Claim 6, Kartoz discloses wherein the previously identified unique identification information is stored in table associated with the configuration data for the set of devices (see e.g. fig. 9a and col. 4, lines 44-55).” (see page 4 of the current Office Action dated August 8, 2007)

It is urged that the table that is alleged to be taught by the cited Kartoz reference does not include each of the explicitly enumerated items of Claim 6 - (i) an index used to locate particular configuration data for a particular device, (ii) information used to address the particular device, and (iii) an offset to a memory location within the particular device at which particular unique identifier information for the particular device is stored. These explicitly enumerated table items advantageously facilitate access to particular parameters within the devices such as configuration data and unique identifier information for such devices (Specification page 15, lines 25 – 30). In contrast, the alleged Kartoz table (per the cited teachings of Kartoz at col. 4, lines 44-55) is maintained internal to the device itself, and thus there would be no need or other motivation for this internal device table to contain information on how to access device parameters *within this same device*. Restated, there would be no reason to modify Kartoz’ internal device table to include parameters to facilitate access to this device or its internally maintained table since such device access information would need to be known by some other means/mechanism in order to access this device internal table – in effect a catch twenty-two situation, where information from the table is needed to access the device containing this table information, but the device having this internal table information cannot be accessed until the device is accessed to obtain the information from the table that is needed for such device access. Thus, in addition to not being anticipated by this cited reference, it is urged that Claim 6 is not obvious in view of this cited reference.

Applicants further traverse the rejection of Claims 12 and 18 for similar reasons to the further reasons given above with respect to Claim 6.

Therefore, the rejection of Claims 6, 12 and 18 under 35 U.S.C. § 102(c) has been overcome. Applicants are willing to include the features of Claim 6 into independent Claim 1 (and similarly include Claim 12 into independent Claim 7, and Claim 18 into independent Claim 13) if such amendment is deemed by the Examiner to place this case in condition for allowance, in order to traverse the remaining claims that are subject to this rejection.

### **III. 35 U.S.C. § 103, Obviousness**

Claims 2, 8 and 14 stand rejected under 35 U.S.C. § 103 as being unpatentable over Kartoz in view of Zintel, U.S. Patent No. 6,779,004 and further in view of Krejsa, U.S. Application No. 2004/0107329 A1. This rejection is respectfully traversed for similar reasons to those given above with respect to Claim 1, as the newly cited Krejsa reference does not overcome the teaching deficiencies identified above with respect to Claim 1, as further described below with respect to the 35 U.S.C. § 103 rejection of Claim 6.

Therefore, the rejection of Claims 2, 8 and 14 under 35 U.S.C. § 103 has been overcome.

### **IV. 35 U.S.C. § 103, Obviousness**

Claims 2, 6, 8, 12, 14, 18 and 20 stand rejected under 35 U.S.C. § 103 as being unpatentable over Kartoz in view of Zintel, U.S. Patent No. 6,779,004 and further in view of Krejsa, U.S. Application No. 2004/0107329 A1. This rejection is respectfully traversed.

Applicants initially traverse this rejection for similar reasons to those given above with respect to the missing claimed features identified above with respect to Claim 1.

As to Claim 6, Applicants have included the features of Claim 6 into independent Claim 1 (and similarly include Claim 12 into independent Claim 7, Claim 18 into independent Claim 13, and Claim 20 into independent Claim 19). It is urged that none of the cited references teach or suggest the claimed table that includes each of (i) an index used to locate particular configuration data for a particular device, (ii) information used to address the particular device, and (iii) an offset to a memory location within the particular device at which particular unique identifier information for the particular device is stored. These explicitly enumerated table items advantageously facilitate access to particular parameters within the devices such as configuration data and unique identifier information for such devices, *in addition to accessing copies of the same configuration data in memory* (Specification page 15, lines 25 – 30). The Examiner points to Krejsa's teaching at paragraphs [0004], [0020], [0022], [0024] and [0032] as teaching all of the features of the claimed table. Applicants urge error, as while these Krejsa passages describe a

table used to access a memory region that has been subdivided into individual mini-regions, the details of what is contained in this Krejsa table are different from what is recited in Claim 6 (whose features are now a part of Claim 1).

For example, the Krejsa table includes:

- (1) location field
- (2) size field
- (3) visibility field

whereas per the features of Claim 6, the table includes:

- (1) an index used to locate particular configuration data for a particular device
- (2) information used to address the particular device
- (3) an offset to a memory location within the particular device at which particular unique identifier information for the particular device is stored

While the claimed table feature (2) could possibly be construed to be equivalent to Krejsa's location field, as it appears to pertain to the startAddr field shown in Krejsa's Figure 5, claimed table elements (1) and (3) are not taught or suggested by the cited Krejsa reference. Per claimed table element (1), the table itself includes an index used to locate particular configuration data for a particular device. Krejsa's device table includes device configuration data in the table itself, and thus would not need any type of index being stored in a device table for use in locating particular configuration data as the Krejsa table itself contains configuration data. This claimed table element (1) advantageously allows for device configuration that is read from devices to be moved around in various different memory locations in a highly efficient manner during both a pre-discovery and a re-discovery phase (Specification page 16, line 13 – page 17, line 25), where certain device configuration data is selectively moved between memory depending upon various system conditions being present or not. The use of an index to locate particular configuration data facilitates such movement between memories. Because Krejsa does not conditionally move device configuration data between different memories – but instead directly stores the actual configuration data in the table itself – there would be no reason to include an index to device configuration data in a device table as the Krejsa table itself contains the configuration data and it is not conditionally moved around memory.

As to missing table feature (3), which is directed to *an offset to a memory location within the particular device* at which particular unique identifier information for the particular device is stored. As

can be seen, included within this table is an offset to *a memory location within this same particular device* for which there is an index that is used to locate particular configuration data for such device (per table feature (1)). This claimed feature advantageously allows for the same code to be used when performing both the initial pre-discovery phase – where configuration data is read from within the device itself using table feature (3) – and the re-discovery phase where device configuration information is not initially read directly from the device but instead from a memory location that contains a copy of the previously read device configuration information – where configuration data is read from the memory using table feature (1) in lieu of reading from the actual device (Specification page 14, lines 8-12; page 17, line 26 – page 20, line 13 and in particular page 20, lines 6-13 and lines 26-30 with reference to Figure 6). There would be no reason for Krejsa to include two different indexes to two different locations of where to read or locate configuration information for a given single device, as Krejsa only contemplates reading device configuration information from a single, fixed location within the table itself. Thus, it is further urged that Claim 6 (whose features are now a part of amended Claim 1) is not obvious in view of the cited references due these missing claimed table features (1) and (3), as described above.

Therefore, the rejection of Claims 2, 6, 8, 12, 14, 18 and 20 under 35 U.S.C. § 103 has been overcome.

#### **V. Conclusion**

It is respectfully urged that the subject application is patentable over the cited references and is now in condition for allowance. The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

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Respectfully submitted,

/Wayne P. Bailey/

Wayne P. Bailey  
Reg. No. 34,289  
Yec & Associates, P.C.  
P.O. Box 802333  
Dallas, TX 75380  
(972) 385-8777  
Attorney for Applicants